



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ruben et al.

Docket No.: PZ028P2C1

Application No.: 10/849,979

Confirmation No.: 8748

Filed: May 21, 2004

Art Unit: 1646

For: Antibodies To HHPEN62 Polypeptide (As
Amended)

Examiner: P. M. Mertz

**SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney/Agent for Applicants hereby directs the Examiner's attention to references BG-BK listed on the attached Form SB/08. Copies of non-U.S. patent references BG-BK are enclosed.

Applicants wish to bring to the attention of the Examiner that SEQ ID NO:139 and the corresponding cDNA clone of this application are related to SEQ ID NOS:95819, 95820, 96106, 96643, and 96644 in copending U.S. Patent Application Serial No. 09/912,293, filed July 26, 2001. A legible copy of that portion of U.S. Patent Application Serial No. 09/912,293, which caused it to be listed on the attached, revised form PTO/SB/08 is submitted herewith as reference BG. Applicant's note that none of the above recited sequences are claimed in U.S. Patent Application Serial No. 09/912,293.

Applicants further wish to bring to the attention of the Examiner that SEQ ID NO:139 and the corresponding cDNA clone of this application are related to SEQ ID NOS:11013 and 21531 in copending U.S. Patent Application Serial No. 09/912,292, filed July 26, 2001. A legible copy of that portion of U.S. Patent Application Serial No. 09/912,292, which caused it to be listed on the attached, revised form PTO/SB/08 is submitted herewith as reference BH.

Applicant's note that none of the above recited sequences are claimed in U.S. Patent Application Serial No. 09/912,292.

Finally, Applicants wish to bring to the attention of the Examiner that references BI and BJ were cited during prosecution of a related foreign application relating to SEQ ID NO:11.


Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Pursuant to 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. Accordingly, no fee is believed due. However, should the Patent Office determine otherwise, please charge such fee to our Deposit Account No. 08-3425.

Date: 2/3/2006

Respectfully submitted,


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DAS/DBS/ba



PTO/SB/08a/b (08-03)
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/849,979-Conf. # 8748
				Filing Date	May 21, 2004
				First Named Inventor	Steven M. Ruben
				Art Unit	1646
				Examiner Name	P. Mertz
Sheet	1	of	2	Attorney Docket Number	PZ028P2C1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	BG	09/912,293	NOT PUBLISHED	ROSEN ET AL.	pages 1-75 (pages 1 & 2 partially redacted); portion of Table 2; and SEQ ID NOS: 95819, 95820, 96106, 96643 and 96644.
	BH	09/912,292	NOT PUBLISHED	ROSEN ET AL.	pages 1-75 (pages 1 & 2 partially redacted); portion of Table 2; and SEQ ID NOS: 11013 and 21531.

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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				Art Unit	1646
				Examiner Name	P. Mertz
Sheet	2	of	2	Attorney Docket Number	PZ028P2C1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BI	GenBank Accession No. AAB51073, RACEVSKIS et al., "Molecular cloning of LMO41, a new human LIM domain gene," February 15, 2000.	
	BJ	GenBank Accession No. U24576, RACEVSKIS, "Human breast tumor autoantigen," May 3, 1995.	
	BK	TEUFEL et al., "Sequence identification and characterization of human carnosinase and a closely related non-specific dipeptidase," <i>J Biol Chem.</i> 278(8):6521-31 (2003).	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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